

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:22-cv-00241-MR**

<b>DAVID LYNN ANDERSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>FNU BARKER, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court sua sponte.

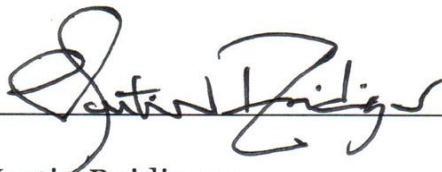
The pro se Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing an incident that allegedly occurred while he was a pretrial detainee at the Rutherford County Jail. [Doc. 1]. The Second Amended Complaint passed initial review against Defendant Barker for the use of excessive force. [Docs. 15, 16]. Defendant Barker was served, and he filed an Answer and Counterclaim for battery that was served on the Plaintiff on September 1, 2023. [Docs. 18, 20]. The Plaintiff was required to answer or otherwise respond to the Counterclaim by September 22, 2023. [See Doc. 20]. No answer has been filed to date.

The Defendant shall take further action to prosecute the Counterclaim within fourteen (14) days of this Order. Failure to take any such further action shall result in the dismissal of the Counterclaim without prejudice.

**IT IS, THEREFORE, ORDERED** that the Defendant shall take further action to prosecute the Counterclaim within **fourteen (14) days** of this Order. Failure to take any such further action shall result in the dismissal of the Counterclaim without prejudice.

**IT IS SO ORDERED.**

Signed: November 15, 2023

  
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Martin Reidinger  
Chief United States District Judge

